UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,072	03/06/2001	Robert Olan Keith JR.	ABREAU-00101	5080

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EXAMINER
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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 June 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-49</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-49</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendments to claims 1 – 49 are acknowledged. Currently, claims 1 – 49 are

pending.

2.   Applicant's arguments, with respect to the Double Patenting rejection filed 06/01/04,

have been fully considered and are persuasive. The rejection of Double Patenting section has

been withdrawn.

Response to Arguments

3.   Applicant's arguments filed 06/01/04 have been fully considered but they are not

persuasive.

♦ Applicant argues that "Witek does not disclose a search in which for any given searching step,

four different search methodologies are available to be used to perform the search" (page 15 of

the amendment), and "Witek does not a search module that includes a keyword ... such that each

utilization of the search module includes the availability of each of these search capabilities"

(page 10 of the amendment). The Examiner respectfully disagrees.

Referring to Fig. 10, there are at least four different search methodologies available:

parametric, keyword, hierarchical, and dichotomous key search (See the rejection). Witek clearly

discloses theses search methodologies in the invention.

Referring to Col. 31, lines 1 – 8, Witek teaches that a single parametric can be used to

narrow the search result. And at Col. 46, lines 58 – 67, the user is provided with plurality of

options for searching the result. The user can start another search (choosing another category) or

narrow the current result (setting parameters). "A search module" must be implemented in Witek

invention in order for the system to carry out the processing. Clearly, Witek does disclose a

search module that includes the availability of each of these search capabilities.

♦ Applicant argues that Witek does not teach a dichotomous key search. The Examiner

respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., the definition

of dichotomous and the way to use it as disclosed on page 18, lines 6 – 10 of the disclosure) are

not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As disclosed in the disclosure, an example of dichotomous key search is a yes no answer.

Witek also discloses a yes no answer in the form of check box. Therefore, Witek does disclose

the dichotomous key search in the invention.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1 – 40, 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Witek et al

(U.S. 6,253,188).

♦ As per claim 14,

Snow teaches a method of performing a research task within a searchable database comprising:

- " A searchable database" corresponds to database server (Fig. 1, element 20, col. 9, lines 53 – 55)

- "A search module" corresponds to the search engine that implemented in Fig. 1.

- " A search criteria" corresponds to arguments or selections that user enters in Fig. 7, element 112.

- "One or more matching items" corresponds to the results that sent to user (Fig. 7, element 126 – 128).

- "The search module includes keyword search" See Fig. 10, element 148, col. 29, lines 28 – 34.

- " A hierarchical search" corresponds to "category search" because the categories include subcategories that organized in a hierarchical order. See Fig. 4, col. 31, lines 4 – 11.

- " A dichotomous key search" See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in the Specification a "dichotomous key search" is used to instruct users given in an answer or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the users the options of answer questions by checking the boxes. Therefore, this search option is corresponding to the "dichotomous key search".

- " A parametric search" See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29.

The Examiner takes Official Notice that it is well known for one skill in the art to implement a search module that includes the availability of each search methodologies. "A search module" must be implemented in Witek invention in order for the system to carry out the processing.

♦ As per claim 1, 27, 37,

Snow teaches a method of performing a research task within a searchable database as described in claim 14, further claims 1, 27, 37 comprising:

- "Utilizing a search module to correlate a search criteria to a searchable database for generating one or more matching items, wherein each matching item corresponds to a segment of the searchable database, further wherein the search module includes keyword search, hierarchical search..." See Fig. 1, 7,10. In particular:

  • "A search module" corresponds to the search engine that implemented in Fig. 1.

  • " A search criteria" corresponds to arguments or selections that user enters in Fig. 7, element 112.

  • " A searchable database" corresponds to database server (Fig. 1, element 20, col. 9, lines 53 – 55)

  • "One or more matching items" corresponds to the results that sent to user (Fig. 7, element 126 – 128).

  • "The search module includes keyword search" See Fig. 10, element 148, col. 29, lines 28 – 34.

  • " A hierarchical search" corresponds to "category search" because the categories include subcategories that organized in a hierarchical order. See Fig. 4, col. 31, lines 4 – 11.

- • " A dichotomous key search" See Fig. 3, element 70, col. 16, lines 27 – 50, Fig.

  10, element 144 – 146. As defined in the Specification a "dichotomous key

  search" is used to instruct users given in an answer or question dialog, often yes

  or no answer (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the

  users the options of answer questions by checking the boxes. Therefore, this

  search option is corresponding to the "dichotomous key search".

- • " A parametric search" See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10

  – 29.

- " Utilizing the search module to correlate a subsequent search criteria to one or more

  matching items for generating one or more subsequent matching item … search criteria"

  See col. 12, lines 28 – 43.

The Examiner takes Official Notice that it is well known for one skill in the art to implement a

search module that includes the availability of each search methodologies. "A search module"

must be implemented in Witek invention in order for the system to carry out the processing.

♦ As per claim 2, 15,

- • "The search criteria is one or more keywords input by a user" See Fig. 10,

  element 148, col. 29, lines 28 – 34.

♦ As per claim 3, 16,

- "The utilized search methodology is the hierarchical search, the search criteria is selected

  one of a list of one or more directory items" " A hierarchical search" corresponds to

  "category search" because the categories include subcategories that organized in a

  hierarchical order. See Fig. 4, 6 – 7, col. 31, lines 4 – 11.

◆ As per claims 4 – 5, 17 – 18,

- " The utilized search methodology is the dichotomous key, the search criteria is a

  selected one of two binary items" See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10,

  element 144 – 146. As defined in the Specification a "dichotomous key search" is used to

  instruct users given in an answer or question dialog, often yes or no answer

  (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the users the options of

  answer questions by checking the boxes. Therefore, this search option is corresponding to

  the "dichotomous key search".

- " The utilized search methodology is the parametric search, the search criteria is one or

  more set parameters, and further wherein the parameters are set by a user" See Fig. 10,

  elements 154, 158, 160, 142, col. 30, lines 10 – 29. As shown in Fig. 10, a user can set

  the values for parameters such as date, the range price, or number of room.

◆ As per claim 6, 19, 31, 39,

- "The searchable database is distributed into more than one physical location" See Fig. 1,

  element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44.

◆ As per claim 7 – 9, 20 – 22, 28 – 30, 38,

- " The steps of utilizing the search methodologies are performed by a server" See Fig. 1,

  5A, col. 25, lines 13 – 33.

- " Establishing an Internet connection with the server to utilize the search methodologies"

  See Fig. 5a, element 14, 24, col. 21, lines 15 – 20.

◆ As per claim 10 – 11, 23 – 24, 32 – 33, 40,

- "The searchable database is formatted in a directory tree structure" See Fig. 4, col. 18, lines 1 – 32.

- "The directory tree structure includes nodes ... branches" See fig. 4. Each category corresponds to a node. All nodes are linked together.

- "The collection of related data for a particular node is displayed in an encyclopedia like format, wherein the encyclopedia like format includes text, graphics, and links to related topics" See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10 – 16.

♦ As per claim 12 – 13, 25 – 26, 34 – 36,

- "Maintaining the node by appropriately adding and deleting data to and from the node" See col. 50, lines 4 – 15.

- " The step of maintaining the node is performed by a node owner" See Fig. 14, col. 50, lines 4 – 15. " A node owner" corresponds to the system administrator.

♦ As per claim 42,

Claim 42 is rejected based on the rejection of claim 1, 10 – 13.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 41, 43 – 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witek

et al (U.S. 6,253,188) in view of Drucker et al (U.S. 6,292,796).

♦ As per claim 41, 43 – 45, 47 – 48,

As previous noted above, Witek teaches a method for searching documents stored in a

directory hierarchy structure. Witek uses a keyword, parameter, categories, and dichotomous

searches methods to search for a document (See Fig.10, Witek).

The database of Witek is formatted in a tree structure (Fig. 4), comprising nodes, and

related data is corresponding to each category (col. 18, lines 1 – 32.).

"Categorizing each item of data by a navigation path through the directory tree structure

and by one or more parameters" see Fig. 14 – 15, Witek.

Witek does not clearly disclose the method of setting a notification signal by saving the

query string, and notifying a user of new data entered into the search databases. However,

Drucker et al (U.S. 6,292,796), discloses a method for searching documents in databases using

keywords, category, parameters, and even allows user select options for the result such as

genders (See Fig. 1, Drucker). Users can setup the query search and save as user profile to be

searched (See Fig. 4, element 404, col. 7, lines 54 – 65, Drucker). The system of Drucker

includes a notification module to notify users when a new data or document available (col. 7 line

54 – 59, Drucker), and display the result to users when users request (fig. 4, element 420, col. 9

line 1 – 2, Drucker).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to apply the teaching of Drucker about the notification system into the system of

Witek, because the system of Drucker provides a great benefits in saving time for users (col. 1

line 56 – 58, Drucker). The combination of Drucker and Witek produces a convenience search

engine for the user, where the user does not familiar with the system and does not have a lot of

time for a search query.

♦ As per claim 46, 49,

   - "The collection of related data for a particular node is displayed in an encyclopedia like

      format, wherein the encyclopedia like format includes text, graphics, and links to related

      topics" See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10 – 16, Witek.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is 703 - 305-1951.

The examiner can normally be reached on Monday-Friday.

From October 25, 2004, the Examiner can be reached at a new phone number: 571 –

272 – 4024.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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